

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JEREMY DAVIS,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

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CIVIL NO. 17-cv-216-JPG-CJP

**MEMORANDUM AND ORDER**

Before the Court is the parties' Agreed Motion for Reversal with Remand to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) (Doc. 22). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993).

For good cause shown, the parties' Agreed Motion (Doc. 22) is **GRANTED**. The final decision of the Commissioner of Social Security denying Jeremy Davis' application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk of Court is **DIRECTED** to enter judgment in favor of plaintiff.

The Court notes that plaintiff applied for disability benefits long ago in December 2012. (Tr. 14). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

**IT IS SO ORDERED.**

**DATED: August 28, 2017**

s/ J. Phil Gilbert \_\_\_\_\_

**J. PHIL GILBERT**

**UNITED STATES DISTRICT JUDGE**